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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MICHAEL ATKINS,

11 Plaintiff,

12 v.

13 CATHI HARRIS, *et al.*,

14 Defendants.

No. C09-5625 BHS/KLS

ORDER TO AMEND FIRST AMENDED
COMPLAINT

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16 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28
17 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4. Plaintiff has been granted leave to proceed *in*
18 *forma pauperis*. Dkt. 4. On November 16, 2009, the court ordered Mr. Atkins to amend his
19 original complaint or to show cause why it should not be dismissed. Dkt. 7. Mr. Atkins has
20 provided the court with his First Amended Complaint. Dkt. 8. However, the amended
21 complaint is incomplete.
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23 In his amended complaint, Mr. Atkins states: “In Plaintiff [] original complaint under
24 Statement of the Claim number (5) is changed to read: ...”. Mr. Akins then provides additional
25 factual allegations relating to his claim that his First Amendment right to engage in the practice
26 of his religion. However, and as the Court previously advised Mr. Akins, his amended complaint


ORDER TO AMEND OR SHOW CAUSE- 1

1 operates as a complete substitute for (rather than a mere supplement to) the present complaint.
2 Dkt. 7, p. 6. In other words, an amended complaint supersedes the original in its entirety,
3 making the original as if it never existed. Therefore, reference to another document is not an
4 acceptable amendment. Mr. Atkins must include all of his factual allegations, legal claims, and
5 requests for relief in his amended complaint before the court will order service.
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7 Plaintiff shall file his amended complaint, setting forth all of his factual claims, causes of
8 action, claims for relief, and any exhibits, on or before **January 22, 2010**. Plaintiff is cautioned
9 that if an amended complaint is not timely filed or if Plaintiff fails to adequately address the
10 issues raised herein on or before **January 22, 2010**, the Court will recommend dismissal of this
11 action as frivolous.

12 The Clerk is directed to send Plaintiff the appropriate forms so that he may file an
13 amended complaint.
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15 **DATED** this 18th day of December, 2009.

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18 Karen L. Strombom
19 United States Magistrate Judge
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